

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

JASON POINDEXTER,

Plaintiff,

v.

CIVIL ACTION NO. 3:18-1511

WEST VIRGINIA REGIONAL
JAIL AUTHORITY/DOC;
BETSY JIVIDEN, Commissioner of the
West Virginia Division of Corrections;
WESTERN REGIONAL JAIL;
JOHN DOE, Administrator;
MAJOR BERRY;
SGT. DIAMOND; and
CORRECTIONAL OFFICER JARVIS,

Defendants.


MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendations for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court grant Defendants' Motion for Partial Dismissal (ECF No. 17); grant Defendant West Virginia Division of Corrections' Motion to Dismiss (ECF No. 19); dismiss the West Virginia Division of Corrections and Rehabilitation as a party to this action; remove the West Virginia Regional Jail Authority/DOC from the style of the case; and allow Plaintiff to continue discovery on the remaining claims raised in the amended complaint. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendations of the Magistrate Judge and **GRANTS** Defendants' Motion for Partial Dismissal (ECF No. 17); **GRANTS** Defendant West Virginia Division of Corrections' Motion to Dismiss (ECF No. 19); **DISMISSES** the West Virginia Division of Corrections and Rehabilitation as a party to this action; **REMOVES** the West Virginia Regional Jail Authority/DOC from the style of the case; and allows Plaintiff to continue discovery on the remaining claims raised in the amended, complaint consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: December 4, 2019



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE